



Scottish Natural Heritage Dualchas Nàdair na h-Alba

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By e-mail only to ms.majorprojects@gov.scot

Date: 11 August 2017
Our ref: CNS/MSA/REN/CLC146915
Your ref: 06474

Dear Reda

**Marine (Scotland) Act 2010, Part 4 Marine Licensing
The Marine Works (Environmental Impact Assessment)(Scotland) Regulations 2017
(as amended)
06474 – Clyde Waterfront Renfrew Riverside (CWRR) project – Renfrewshire Council –
Capital Dredging of emergency berthing facility**

Thank you for your consultation on the above proposal and the Clyde Waterfront Renfrew Riverside Environmental Statement (Sweco, July 2017).

Background

We understand that the proposal is for a capital dredge to facilitate emergency berthing of commercial shipping at a new berthing structure adjacent to proposed Clyde Crossing.

Please note that the SNH scoping advice included in Appendix 02 of the application does not consider the potential impacts of the proposed layby berthing structure and associated dredging as this was not included in the initial scoping report for the project. An updated scoping report was issued to SNH on the 7 February 2017 and our advice of 28 February 2017 considered the potential impacts of the proposed layby berthing structure and associated dredging. I enclose a copy of our 28 February 2017 advice for information.

We have responded separately to the associated planning applications for these works.

Summary

Our main comments are summarised below with more detailed comments provided in Appendix 1.

Designated sites

Inner Clyde SPA/SSSI/Ramsar site

In our view, it is unlikely that the proposal will have a significant effect on the wintering redshank qualifying interest of the Inner Clyde SPA either directly or indirectly. As a consequence, an appropriate assessment is not required.

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However, we understand that the detailed design of the works will not be confirmed until a contractor has been appointed and we recommend that this conclusion is reassessed once the detailed design of the works is known.

Please see Appendix 1 for further details of our appraisal.

Protected species

We offer the following advice in relation to this development proposal including recommendations for mitigation where relevant. It is for Marine Scotland to determine, within the context of its own policies, whether conditions are necessary to secure this mitigation.

Cetaceans & seals

Our advice is that the following additional mitigation is required to minimise the impact of the development on cetaceans and seals:

- The ecological clerk of works (ECoW) present during in-river works (mitigation measure WQ2 Chapter 14 of the CWRR ES) must check for the presence of cetaceans and seals prior to the commencement of in-river works. If any cetaceans or seals are observed, in-stream works must be delayed until any animals are a safe distance away and downstream of the site.

Provided the development is carried out strictly in accordance with this additional mitigation, the proposal is unlikely to result in offences under protected species legislation with regards to these species. However, if the development is not carried out in accordance with these mitigation measures, the applicant may risk committing an offence.

Please see Appendix 1 for further details of our appraisal.

Other protected species

Provided the development is carried out strictly in accordance with the general mitigation measures for ecology and nature conservation and the specific measures for freshwater migratory fish detailed in the Schedule of Mitigation in Chapter 14 of the CWRR Environmental Statement (Sweco July 2017) – measures ENC1 to ENC14 and ENC35, the proposal is unlikely to result in offences under protected species legislation with regards to other protected species. However, if the development is not carried out in accordance with these mitigation measures, the applicant may risk committing an offence.

We hope that this advice is useful but please let me know if you have any questions.

Yours sincerely

Redacted

Appendix 1

Appraisal of the impacts of the proposal

Designated sites

Inner Clyde SPA/SSSI/Ramsar site

The proposal lies around 730m upstream of the Inner Clyde Special Protection Area (SPA) which supports a wintering non-breeding population of European importance Annex 1 bird species; Redshank. The Inner Clyde Ramsar Site which shares the same boundary as the SPA is also designated internationally for non-breeding Redshank and the interests of this designation will be addressed as part of the consideration for the above European site.

The Inner Clyde Site of Special Scientific Interest (SSSI) is of national importance and also shares the same boundary as the SPA. Its designated features include saltmarsh habitat and a range of non-breeding birds including; Cormorant, Eider, Goldeneye, Oystercatcher, Red-breasted merganser, Red-throated diver and Redshank.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended the "Habitats Regulations" apply. Consequently, Renfrewshire Council will be required to consider the effect of the proposal on the SPA before it can be consented (commonly known as the Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>)

Given the separation distance between the development site and the SPA (at least 730m) and the nature of the existing habitats within/adjacent to the development site, we are content that the proposal will not have a likely significant effect on the qualifying interest of the SPA as a consequence of disturbance.

In terms of the dredging activity that is required to create and maintain the layby berth structure in the River Clyde, we understand that the material would be dredged using a suction dredge method or similar, offloaded at Rothesay Dock and taken via lorries to the closest and most suitable landfill site. However, the detailed design of the works will not be confirmed until a contractor is appointed.

Although the proposed capital dredge, and subsequent maintenance dredging, will increase the volume of tidal water and alter the tidal dynamics. These effects will be very small and it is unlikely that any resulting geomorphological change would be discernable against both natural variability and the influence of periodic maintenance dredging. As a consequence, we do not believe that the capital dredge as currently proposed would have any impacts on the extent and quality of supporting habitat for the wintering redshank of the SPA. However, this conclusion should be reassessed once the detailed design of the works is confirmed after a contractor is appointed.

We understand from section 7.4 of the *Marine Sediment Dredging and Disposal – Preliminary Risk Assessment and Best Practicable Environmental Option Report*, Appendix V2 of CWRR Environmental Statement (Sweco July 2017) that any changes to the proposed dredging methods will be agreed with the competent authorities and Statutory Consultees including Marine Scotland and SNH.

We therefore conclude that the proposal as currently described will not have a likely significant effect on the qualifying interest of the SPA either directly or indirectly. As a consequence, an appropriate assessment is not required for the Inner Clyde SPA at this stage. We are also content that no further assessment work is required for the Inner Clyde Ramsar site and SSSI at this stage.

Protected species

Cetaceans & seals

Seals

Two species of seal occur commonly around the Scottish coast *Phocina vitulina* (the common or harbour seal) and *Halichoerus grypus* (the grey seal). Both harbour seals and grey seals are present in the Firth of Clyde and will at times travel in and out of the River Clyde. It is therefore possible that some animals may be seen within, or close to, the site of the proposed works.

Both species of seal are sensitive to underwater noise from development activity and vessels including piling, blasting, dredging and seismic survey. Noise propagates more effectively in water and seals are dependent on their hearing for social behaviours and for feeding. Different degrees of noise can cause disturbance, displacement, damage to animals hearing and in extreme circumstances death.

It is an offence to kill, injure or take a seal at any time of year except to alleviate suffering or where a licence has been issued to do so by Marine Scotland under the Marine (Scotland) Act 2010. Both species of seal are listed on Annex II of the EC Habitats Directive 1992 as a species of Community interest whose conservation requires the designation of Special Areas of Conservation (SACs). However, there are no seal SACs in the vicinity of the proposed works.

Cetaceans

Although cetaceans are rarely seen within the River Clyde, it is possible that individuals may be present on occasion (particularly harbour porpoise). Further details of harbour porpoise sightings and strandings can be found on the Clyde Porpoise CIC website - <http://www.clydeporpoise.org/>. Cetaceans are sensitive to underwater noise in a similar way to that described above for seals.

Under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), it is an offence to intentionally or recklessly:

- kill, injure or capture whales, dolphins or porpoises;
- disturb or harass them.

Our advice is that the following additional mitigation is required to minimise the impact of the development on cetaceans and seals:

- The ecological clerk of works (ECoW) present during in-river works (mitigation measure WQ2 Chapter 14 of the CWRR ES) must check for the presence of cetaceans and seals prior to the commencement of in-river works. If any cetaceans or seals are observed, in-stream works must be delayed until any animals are a safe distance away and downstream of the site.

Provided the development is carried out strictly in accordance with this additional mitigation, the proposal is unlikely to result in offences under protected species legislation with regards to these species. However, if the development is not carried out in accordance with these mitigation measures, the applicant may risk committing an offence.